DOCUMENT RESUME

ED 199 891 EA 013 394

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|---|---|
| AUTHOR | Montes, Celedonio |
| TITLE | Student and Parent Rights in Public Education. |
| INSTITUTION | Northwest Regional Educational Lab., Portland, Oreg. |
| SPONS AGENCY | Department of Education, Washington, D.C. |
| PUB DATE | Jun 80 |
| CONTRACT | G0078C0143 |
| NOTE | 29p. |
| EDRS PRICE | MF01/PC02 Plus Postage. |
| DESCRIPTORS | Bilingual Education; *Civil Rights; *Civil Rights Legislation; Compulsory Education; Discipline; Dress Codes; Due Process; Educational Discrimination; Elementary Secondary Education; Grades (Scholastic); Married Students; Pregnant Students; Punishment; Racial Discrimination; Religious Discrimination; *School Law; Search and Seizure; Sex Discrimination; *Student Rights; Track System (Education) |
| IDENTIFIERS | Education for All Handicapped Children Act; Equal Educational Opportunities Act 1974; Family Educational Rights and Privacy Act 1974; Fourteenth Amendment; Title IX Education Amendments 1972 |

ABSTRACT

Emphasizing the necessity for open communication and respect for everyone's rights as the best way to prevent problems at school, this paper offers information and advice to both students and parents (in separate sections) on their rights relating to public education. The topics range from discrimination, due process, and disciplinary measures to religious beliefs, tracked classes, and in-school searches. Both sections are presented in simple format, appropriate for families whose first language is not English. The section addressed to parents includes information about parental involvement in bilingual education. (WD)

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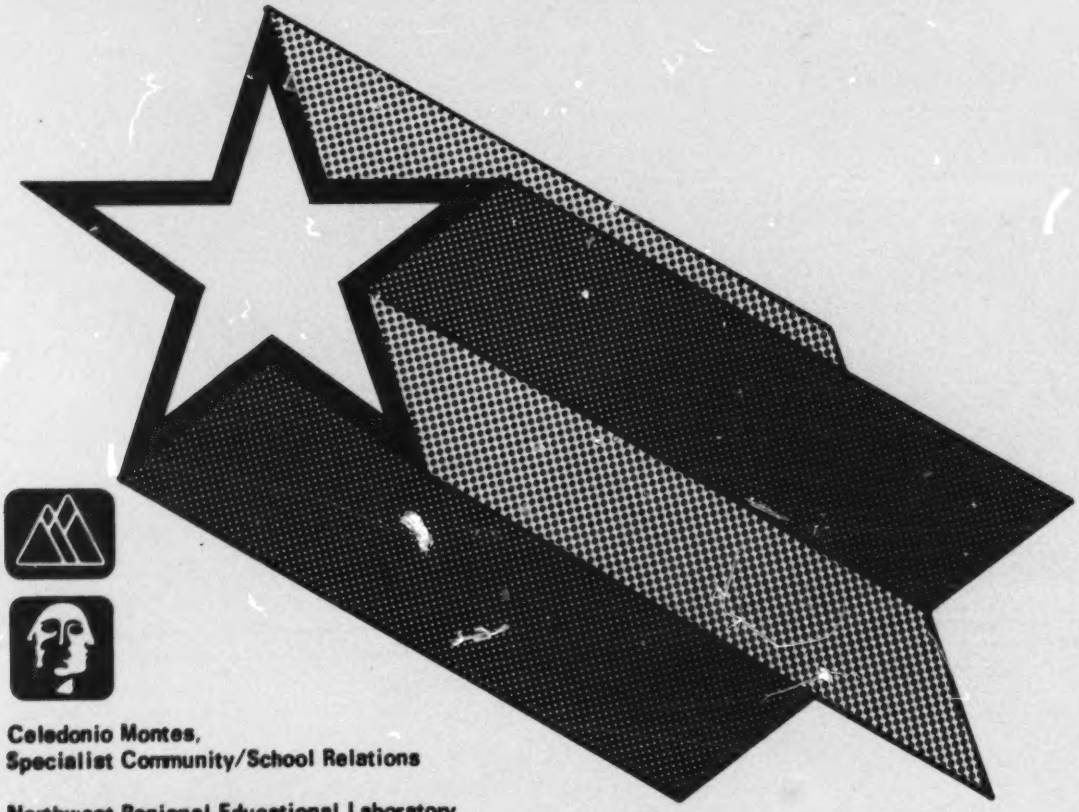
# Student and Parent Rights in Public Education



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June 1980

EA 013 394

# STUDENT RIGHTS IN PUBLIC EDUCATION

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This work was performed pursuant to a contract with the United States Office of Education, Department of Health, Education and Welfare, No. g-0078-C0143. The opinions expressed herein do not necessarily reflect the position or policy of the U.S. Department of Education, and no official endorsement by that Department should be inferred.

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## INTRODUCTION TO STUDENTS

This booklet has been written to provide you with a general understanding of some rights you have as a student. Students have the same rights guaranteed under the Constitution for all other persons. You also have the responsibility to be aware of those rights and to inform yourself of local laws which affect your education. State and local laws, which are interpretations of your constitutional rights, vary from state to state and from school district to school district.

Remember, your teachers and school administrators will respect and encourage you to stand up for your rights. You should never feel you are doing something wrong when you insist your rights be honored. However, your teachers and school administrators also have rights, and it is important to respect the rights of others.

As you read this booklet, keep in mind the best way to prevent and resolve problems in the classroom is by talking with your parents, your teachers and the school administration. However, when there is doubt or confusion about a potentially legal matter, your parents should seek legal counsel. If they cannot afford counsel, they should check with your city or county Legal Aide organization.

## WHAT RIGHTS DO I HAVE AS A STUDENT?

**STUDENT RIGHTS**

Students have the same rights of freedom guaranteed under the Constitution and Bill of Rights as all other persons. State and local laws, as well as court interpretations of those laws, further establish your rights as a student. You have the responsibility to keep yourself informed of laws affecting your education to ensure your right to equal educational opportunity.

## WHAT RIGHTS DO MY PARENTS HAVE TO PARTICIPATE IN MY EDUCATION?

**PARENT RIGHTS**

The U. S. Supreme Court has firmly established the right of parents to represent their children who are under 18 years of age and not attending college. Parents have been identified as the legal representatives to protect their children's rights.

This does not mean, however, that you cannot assert your own rights. It does mean the school has an obligation to include your parents in any official decision making which concerns you. Your parents also must be notified before any major or serious action is taken which will affect your education.

**TALK WITH YOUR PARENTS**

It is critical that you discuss with your parents any issue which concerns you regarding a problem in school. In fact, you have the right to refuse to discuss a problem with school staff until you have contacted or are with your parents.

## ARE THERE LAWS WHICH PROHIBIT DISCRIMINATION IN THE SCHOOL AND CLASSROOM?

**DISCRIMINATION LAWS**

There are several Federal civil rights laws which prohibit discrimination in educational programs, as well as numerous statutes which vary from state to state. These federal laws which protect you as a student are particularly important.

TITLE VI

- Title VI of the Civil Rights Act of 1964 prohibits your school from discriminating against students on the basis of race, color or national orgin

TITLE IX

- Title IX of the Education Amendments Act of 1972 prohibits schools from discriminating against students on the basis of sex.

In other words, you cannot be discriminated against because of your race or color, or because you or your parents come from a country outside the United States. Also, girls and boys must have an equal right to all aids, benefits and services provided by the school, and rules for conduct and appearance must be the same for female and male students.

EQUAL OPPORTUNITY ACT

- The Equal Educational Opportunity Act of 1974.

## HOW DO I KNOW WHETHER I HAVE BEEN DISCRIMINATED AGAINST?

EXAMPLES OF DISCRIMINATION

If you are a member of a minority group and are treated differently from other students for what appears to be no other reason than your race or ethnic background, it is possible you are being discriminated against. If you are a girl and are not allowed to take an auto mechanics class, or if you are a boy and are not allowed to take a ballet dance class, it is possible your rights under Title IX are being violated.

TALK WITH YOUR PARENTS

If you feel you are being discriminated against, it is strongly recommended that you discuss your concerns with your parents and have them contact the school administration or seek legal counsel.

## WHAT IS DUE PROCESS AND HOW DOES IT PROTECT MY RIGHTS IN SCHOOL?

DUE PROCESS

The Fourteenth Amendment of the Constitution guarantees due process of law. Therefore, before a school can seriously punish you, certain

DUE PROCESS (continued)

procedures--including a fair hearing--must be followed to determine whether you are guilty of what you have been accused of doing. If you and your parents feel an action or punishment taken by the school might harm or negatively affect your education, you have the right to insist on a fair hearing--due process.

REASONABLE PUNISHMENT

Due process also means the punishment you receive cannot be more serious than warranted by your misconduct. For example, if you should do something like talking out of turn in class, the school cannot expell you from school.

Although the punishment for the same misconduct may vary from school to school and from state to state, the punishment must be "reasonable"--not extreme or excessive. Because each person has a different idea of what is extreme or excessive punishment, a fair hearing, which is your right of due process, often is conducted to determine what is reasonable.

LESS SERIOUS CASES

In less serious cases, you must at least be told what you are being accused of and be given the opportunity to explain your side of the story. Often, a simple meeting between the people involved may be viewed as a fair hearing. Everyone would state their feelings about their rights, and an agreement would be made acceptable to all.

SUSPENSION EXPULSION

In more serious cases, such as suspension or expulsion, a more formal hearing should be held. In a formal hearing, a student has the right to:

- Have the problem heard and considered by someone not involved in the problem--an impartial person
- Have legal counsel speak for you
- Have witnesses testify on your behalf
- Question people who are accusing you of a wrongdoing
- Have a written report of all evidence presented at the hearing (transcript)
- Appeal the decision to a higher authority

SUSPENSION
EXPULSION
(continued)

Remember, in considering your rights, you should keep in mind the rights of others also must be respected. When your rights are in conflict with another person's rights, a system of resolving those differences is necessary. Due process--including a fair hearing--is for the protection of everyone involved and for the purpose of arriving at a fair agreement.

Most problems can be discussed and resolved in informal meetings with the key people involved. however, when you feel your rights are being negatively affected, or when you are in a serious situation, be careful to talk with your parents and include them in such meetings.

## DO SCHOOL OFFICIALS HAVE THE RIGHT TO PHYSICALLY PUNISH ME?

Unless local school rules or state laws prohibit corporal punishment--physical punishment such as being slapped or hit--teachers or administrators can use force they reasonably believe is necessary for the control or education of their students. Factors which might be considered in deciding what is reasonable physical punishment include:

- o The age and strength of the student
- o The seriousness of what the student is said to have done wrong
- o The student's size
- o The way the student normally behaves
- o The kinds and severity of the punishment
- o Whether there were other more appropriate ways to punish the student

EXCESSIVE OR
UNREASONABLE FORCE

If a student is being violent and is a danger to himself or herself and others, the school needs to control the student. However, as a student you cannot be punished with excessive or unreasonable physical force. You should check with your school about its policy regarding physical punishment.

EXCESSIVE OR UNREASONABLE FORCE (continued)

If you are physically punished by school staff for any reason, or if you see other students being physically punished, you should tell your parents so the practice does not get out of hand. Parents have the right to bring their concerns to the attention of the school board and to work out a fair policy that protects both students and teachers.

GRADES

The school cannot lower your grades or refuse to give you an earned diploma because of improper conduct. Grades are to reflect academic achievement and cannot be changed for nonacademic reasons.

## DO I HAVE TO ATTEND A CLASS WHICH IS AGAINST MY BELIEFS?

RIGHT TO YOUR RELIGIOUS BELIEFS

If specific courses include activities opposed to your religious beliefs, your parents should bring this fact to the the attention of school officials. For example, if your religion is opposed to saluting the flag or saying the Pledge of Allegiance, your parents should advise the school authorities and ask that you be excused.

Although it is acceptable to have courses on religion--as long as one religion is not presented as better or worse than another--students cannot be forced to take religious courses. Should your religion oppose activities such as dancing or sex education, you are encouraged to discuss the issue with your parents and religious leaders.

Usually, an informal meeting with you, your parents and school officials can clear up any problem. A basic rule to remember, however, is that every student has a right to one's own religious beliefs.

SEX EDUCATION

As a student you must attend all courses considered basic or essential for good citizenship that are not opposed to your religious beliefs. However, states have differed on whether students should be required to attend sex education courses if they do not violate those beliefs.

ROTC

You have the right to refuse to participate in paramilitary courses such as ROTC (Reserve Officers Training Corp).

## IF I AM MARRIED, PREGNANT OR A PARENT, DO I HAVE THE RIGHT TO GO TO SCHOOL?

MARRIAGE
PREGNANCY
PARENTHOOD

Once you are married, pregnant or a parent, you legally can exercise your right to an education by deciding whether to continue in school or drop out. You have the right to continue in school if you want to; you also have the right not to attend if you prefer.

## DO I HAVE THE RIGHT TO DECIDE HOW I WANT TO LOOK IN SCHOOL?

PERSONAL APPEARANCE

As a student you have the right to determine your own personal appearance, within limits. Although dress and personal appearance standards vary from state to state and from school to school, a student's dress and personal appearance must be within limits of decency, good taste, safety and health, and must not be distracting or disruptive.

DRESS CODE

Although schools have the right to regulate student clothing, not all school dress codes are legal. A school must prove that a dress code has a reasonable relationship to an educational purpose. This educational purpose simply may be to avoid disruptions. If your school's dress code seems unreasonable, you should discuss the issue with your parents and other students, and work together with the school to establish a reasonable code that makes sense and is fair.

HAIR

The issue of appearance received a lot of publicity when male students began wearing their hair longer. Title IX, however, states that dress and personal appearance codes cannot discriminate on the basis of sex. Therefore, since girls may wear their hair to their shoulders, boys must be allowed to do so, too.

## CAN THE SCHOOL PUT ME IN A CLASS FOR SLOW LEARNERS?

TRACKED CLASSES

The school cannot "track" you into classes for slow learners, or into a vocational program when you want to go to college, without first notifying your parents. If you and your parents do not agree with your placement in a tracked

TRACKED CLASSES (continued)

class, together, you may request a fair and impartial hearing and proof that any tests you took were nondiscriminatory. You and your parents have the right to be heard.

## IS MY RIGHT TO FREEDOM OF EXPRESSION PROTECTED?

FREEDOM OF EXPRESSION

Your right as a student to freedom of expression is the same as for all other persons. Student expression in public schools must be allowed unless it greatly interferes with the rights of others or in the operation of the school. In other words, students have the right to express their opinions as long as those opinions do not damage another person's character or reputation, and as long as any materials distributed are not offensive or obscene.

Student opinions cannot be limited or punished because someone disagrees with the opinions or because the issue is controversial. Freedom of expression includes opinions students express in speech, newspapers, handouts, or other printed materials.

KNOW YOUR LIBEL LAWS

If you are involved in printing a newspaper or in distributing handouts, you are strongly urged to study the issue of libel--saying damaging things about someone--against which all people are protected.

## CAN SCHOOL OFFICIALS SEARCH MY LOCKER OR DESK?

RIGHT TO PRIVACY

The U.S. Constitution protects a citizen's right to privacy and does not allow unreasonable searches and seizures. However, the courts are not clear about whether student lockers and desks are protected under this provision. This issue becomes particularly important when lockers are searched without student knowledge or permission.

DESK AND LOCKER SEARCHES

In the case of an emergency, such as a bomb threat or fire, it is clear the safety of all people in the school is too important to take time to obtain student permission for a locker search. However, the courts are less clear about whether a student's right to privacy extends to lockers and desks in less serious situations.

Many times a student stores gym clothes or old lunches which are forgotten in the back of the locker. So, for the safety and comfort of the entire school, inspections are carried out to check for cleanliness. This is seen as a legitimate action for school officials to take.

In general, it is recommended that you not keep anything in your locker or desk you consider private. This could include letters, poems, underclothes, or other personal items. In the meantime, you are encouraged to inform yourself about your school's rules regarding locker searches. If needed, you can work with school officials to establish a fair system that protects your privacy while ensuring the efficient operation of the school.

## CAN SCHOOL OFFICIALS OR THE POLICE SEARCH ME OR FORCE ME TO ANSWER THEIR QUESTIONS?

IN-SCHOOL SEARCHES

The courts have not recognized a student's right to constitutional protection from in-school searches. If a student is being arrested, a personal search by a police officer is allowed. However, if a student is asked to empty his or her pockets or is searched by a police or school official without being arrested, the courts are less clear.

If a police officer or school official wants to search but not arrest you, you are advised not to agree to the search. Tell the person planning to do the search you want your parents or legal counsel called. This should be said in front of witnesses. However, if the search is done anyway, you are advised not to resist.

**RIGHT TO REMAIN SILENT**

Although you may be physically searched, you have the constitutional right to remain silent when questioned about a criminal act by the police or school officials. The only information you are required to give is your name and address. Unfortunately, there may be times when you are told that you will get into more trouble if you do not answer questions. However, this is not true. As a student, you do not have to answer any questions about a criminal act. In fact, you are advised to demand that your parents be called right away and to say that you will not answer any questions until they or legal counsel arrive.

**RULE OF THUMB**

As a rule of thumb, in all criminal cases you have the right to:

- o Have your parents notified you are going to be questioned about a criminal act
- o Be told the reasons you are being questioned
- o Be informed of your right to remain silent
- o Have a lawyer speak for you
- o Have a fair hearing--due process

## IN CONCLUSION

**COMMUNICATION WITH SCHOOL STAFF**

You should keep in mind the best way to prevent and resolve problems is by communicating directly with your parents, teachers or the school administration. In almost all cases, problems can be resolved at this point--with communication and respect for everyone's rights.

# PARENTAL RIGHTS AND INVOLVEMENT

# IN

# PUBLIC EDUCATION

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June 1980

## INTRODUCTION TO PARENTS

The U.S. Supreme Court has ruled that parents have the right to guide and direct the education of their children. As a parent, you have the responsibility to act on behalf of your child in the educational process and to be aware of some basic rights which affect the type of education your child will receive during twelve years in school.

When parents and school administrators are aware of how these rights can be used in a cooperative effort to provide the best education possible for students, the task of education becomes more satisfying for all. When parents exercise their rights, they are utilizing tools developed to ensure fairness in the prevention or resolution of problems in the classroom.

This booklet has been written to provide you with a general understanding of the laws affecting your child's education and the rights you have to participate in the education of your child. As you read this booklet, keep in mind the preferred method of preventing and resolving problems in the classroom is through direct communication with your child's teachers or the school administration. However, when there is doubt or confusion about a potentially legal matter, seek legal counsel. If you cannot afford counsel, check with your city or county Legal Aid organization.

## DOES MY CHILD HAVE TO GO TO SCHOOL?

**COMPULSORY ATTENDANCE**

The state can compel parents to have their children attend school or, under certain conditions, participate in a home education program.

**PRIVATE SCHOOLS**

You have the right to send your child to a private school, which can be either religious or secular (nonreligious). The school, however, must meet certain minimum standards established by state law.

**HOME EDUCATION**

The right to educate your child at home varies from state to state. Some states allowing home education programs require that state approved texts are used, the instructing parent be a state certified teacher, and the education be at least equivalent to that provided by the public school system. However, parents should research their respective state laws and requirements before beginning a home education program for their children.

## HOW DO DISCRIMINATION LAWS AFFECT SCHOOLS?

**DISCRIMINATION IN SCHOOLS**

Laws prohibiting discrimination apply to actions affecting students participating in any academic, extracurricular or research program or activity which is operated by a school. No action may be taken by the school administration, teaching staff or other staff which results in the denial of an aid, benefit or service to a student based on race, color, religion, natural origin, sex or handicap.

**EXAMPLES OF DISCRIMINATION**

It is possible your child is being discriminated against if he or she receives any of the following unequal treatment:

- If your child is disciplined more harshly than majority group students for the same infraction or wrong doing
- If your child is not passed to a higher grade even though he or she has the same grades as another student who is passed

EXAMPLES OF DISCRIMINATION (continued)

- If your child is placed in classes for the mentally retarded without being medically diagnosed as being retarded
- If your son is not allowed to take a jazz dance class
- If your daughter is not allowed to take an auto mechanics class
- If the dropout rate for minority students is higher than for majority group students, and the school has made no attempt to provide appropriate educational programs
- If your child is not allowed to participate in extracurricular student activities such as sports, choir, cheerleading or student government
- If your child is not provided with a quality bilingual education program when one is needed
- If students in the school normally use a language other than English, and the school does not attempt to identify those students

YOUR RESPONSIBILITY

The above situations are some examples which may indicate your child is being discriminated against. Any time you feel that your child is being treated unequally for any reason, you should consider finding out whether a discrimination case exists. Only when parents assume their responsibility for actively working to protect equal educational opportunity for all children, will all children be able to share equally in this country's opportunities.

## WHAT LAWS PROHIBIT DISCRIMINATION IN THE SCHOOL AND CLASSROOM?

FEDERAL CIVIL RIGHTS LAWS

There are five Federal civil rights laws which prohibit educational discrimination.

- Title VI of the Civil Rights Act of 1964 prohibits your child's school from discriminating against students on the basis of race, color or national origin

FEDERAL CIVIL RIGHTS LAWS (continued)

- Title IX of the Education Amendments of 1972 prohibits schools from discriminating against students on the basis of sex
- The Education for All Handicapped Children Act of 1963 provides financial assistance to schools for developing individualized programs for handicapped students
- The Vocational Education Act of 1963, as amended by the Education Amendments of 1976, requires states to make additional efforts to overcome sex discrimination and sex stereotyping in vocational education
- The Rehabilitation Act of 1973, Section 504, requires that schools provide equal educational opportunity for otherwise qualified handicapped individuals in educational programs

STATE AND LOCAL LAWS

The above federal laws affect all schools receiving federal assistance. How these laws affect your child will be discussed in more depth elsewhere in this booklet.

Individual states often have laws further prohibiting discrimination in educational programs. These laws vary from state to state and from school district to school district. If you need more specific information, check with your local or state education agency. If in doubt about which department to call, you should call the general administration number, explain the situation and ask to be referred to the appropriate person. If language is a barrier, ask to speak to someone who can translate for you.

## WHAT IS DUE PROCESS AND HOW DOES IT PROTECT MY CHILD IN SCHOOL?

DUE PROCESS

Schools are required by law to treat students fairly. The Fourteenth Amendment of the Constitution guarantees due process of law. Therefore, before a school can impose any serious punishment on a student, certain established procedures, including a fair hearing, must be followed to determine whether the student is guilty of what he or she is alleged to have done. Due process also means the seriousness of punishment a student receives must be reasonably related to the seriousness of the misconduct by the student.

DUE PROCESS (continued)

If you as a parent feel an action or punishment taken by the school might harm or negatively affect your child's education, you have the right to insist on fair and proper procedures--due process.

## WHAT SHOULD I DO IF MY CHILD IS SUSPENDED OR EXPELLED FROM SCHOOL?

SUSPENSION

Procedures relating to due process vary according to the severity of the misconduct charges, the potential punishment, school district regulations and policies, and state law. However, students generally have the right to a fair hearing for charges having serious punishment potential. Student suspensions, no matter how short-term, have significant effects on a student's education and will remain on school records. Thus, each suspension action should be conducted in a prescribed manner to ensure the full facts and student's side of the story are considered.

At a minimum, short-term suspensions should be preceded by a written or verbal explanation to the student of the alleged misconduct, the evidence supporting the accusation, and a chance for the student to tell his or her side of the story. You as a parent have the right to insist on this minimum due process for your child and, except for emergencies, to be notified in advance of the suspension.

EXPULSION

If your child is expelled from school, the school must provide a hearing. Robert Ackerly recommends the following process be used as a model for a fair hearing:[1]

HEARING PROCESS

- o Notice of hearing, including
  - Time and place
  - Statement of the alleged infraction(s)

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[1]Ackerley, Robert L. The Reasonable Exercise of Authority. Washington, D.C.: National Association of Secondary School Principals, 1969, pp. 14-16.

HEARING PROCESS (continued)

- Declaration of the student's right to legal counsel
- Description of the procedures to be followed in the hearing

o Conduct of hearing, including

- Advisement of student's right to remain silent
- Presentation of evidence and witnesses against the student
- Cross-examination of the witnesses
- Presentation of witnesses on behalf of the student
- Recording (either by tape or in writing) of the proceedings

o Finding(s) of hearing, including

- Recommendation(s) for disciplinary action, if any
- Report of findings to appropriate school authorities (e.g., the Board of Education) and to the student

o Prompt application of disciplinary measures, if any, including the right to appeal

RIGHT TO APPEAL

If you feel your child has not had a fair hearing or the punishment is too severe, you can ask that the case be heard by a higher authority. You should write a letter stating the facts of the case and an explanation of the reason an appeal is being requested. The appeal should go to the School Superintendent and then to the School Board. In some states you have the right to further appeal to the Chief State School Officer (Commissioner or Superintendent of Education). The letter should explain the procedures used in the first hearing or conference, the reasons those procedures were unsatisfactory, or the reasons the punishment is considered unfair or too severe. It is strongly recommended you obtain legal counsel in all appeal actions.

SUMMARY

In summary, you as a parent have the right to insist on a fair and proper hearing for your child in case of suspension or expulsion.

## WHAT ABOUT OTHER TYPES OF PUNISHMENT?

**CORPORAL PUNISHMENT**

Unless local school rules or state laws prohibit corporal punishment, teachers or administrators can use any force they reasonably believe is necessary for the control or education of their students. This includes corporal punishment, which is physical punishment such as being spanked or slapped. Some factors which might be used to determine the "reasonableness" of corporal punishment include:

- o Seriousness of the alleged offense
- o Age and strength of the student
- o How the student behaved
- o Past offenses
- o The kind and severity of the punishment
- o Whether there were other methods or means of punishment available

**EXCESSIVE OR UNREASONABLE CORPORAL PUNISHMENT**

If you feel your child has received excessive physical punishment, you have the right to bring a civil suit for damages and to request local law enforcement authorities to consider criminal charges against the person accused of using unreasonable or excessive force. Prior to taking such actions, however, you should learn about local school policies and state laws concerning corporal punishment. If you are dissatisfied with the existing laws and policies, you should work with other parents, state legislators, PTAs, educators and school boards to revise and develop acceptable laws and policies concerning the punishment of children in the classroom.

**GRADES**

Schools can discipline students only for conduct which occurs during a school activity. Schools cannot lower grades or deny the granting of an earned diploma because of improper student conduct. Grades are to reflect academic achievement and cannot be changed for nonacademic reasons.

## MAY I REMOVE MY CHILD FROM CERTAIN COURSES TAUGHT IN THE SCHOOL?

**LOCAL CONTROL**

Parents do not have the right to control school policy or curriculum. The U.S. Constitution places the responsibility and authority for public education with the individual states. Usually, local school boards have the primary authority for establishing priorities, choosing textbooks and resolving problems between parents, teachers and students.

**RELIGIOUS COURSES**

You have the right, however, to request your child not attend any activity that is a clear violation of his or her religion. In fact, the school has no right to organize religious activities for your child.

**SEX EDUCATION**

Schools generally may require the attendance of all students in courses established by the Board of Education as being "essential." However, states have differed on whether this includes sex education courses. As a parent, you have the right to take your concerns to the local or state school board for consideration in the development of policies on whether attendance in sex education courses should be required.

## MY CHILD HAS BEEN SEGREGATED IN A CLASS FOR SLOW LEARNERS AND I WAS NOT NOTIFIED. WHAT CAN I DO?

**TRACKING CHANGE**

You as a parent have the right to prior notice of any proposed change in your child's placement in school. You must be given a written explanation of the procedures to be followed when there is a tracking change in your child's classroom assignment or ability grouping. If your primary language is not English, the notice must be written in your primary language.

If you do not agree with the placement of your child, you can request a fair and impartial hearing, and proof that the testing of your child was not discriminatory.

## IS MY CHILD'S RIGHT OF FREEDOM OF EXPRESSION PROTECTED?

**FREEDOM OF SPEECH**

You as a parent have the right to protect your child's Constitutional right to freedom of expression. Student expression in public schools must be allowed unless it substantially interferes with the rights of others or in the operation of the school.

**CONTROVERSIAL OPINIONS**

Student opinions cannot be limited or punished because someone disagrees with the opinions or because the issue is controversial.

## CAN MY CHILD GO TO SCHOOL EVEN THOUGH MARRIED, PREGNANT OR A PARENT?

**MARRIAGE PREGNANCY PARENTHOOD**

Marriage, pregnancy or parenthood does not affect your child's right to continue in school. However, once a young person is married, pregnant or a parent, he or she legally can exercise his or her own rights to an education by deciding whether to continue in school or drop out.

## DO I HAVE THE RIGHT TO INSPECT MY CHILD'S SCHOOL RECORDS?

**FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT**

If you have a question about your child's school file, you have the right to inspect and review all records the school maintains on your child. The Family Educational Rights and Privacy Act of 1974 (Public Law 93-380) requires educational institutions and agencies receiving federal funds to follow very specific requirements protecting the privacy of students and parents. These requirements include the following:

- All documents and materials containing information directly related to the student must be available to parents for their review
- Copies must be provided to parents requesting them, at the cost of reproduction only
- Parents have the right to challenge the accuracy, appropriateness or misleading nature of the information and to have such information corrected or deleted

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (continued)

- Schools must not release data about a student to anyone without written consent of the parents, except for school personnel having a legitimate education interest, school personnel from a school where the student intends to enroll, or organizations conducting studies which will not identify students or their parents
- The consent of parents must show the date of consent, the specific records to be released, the reason the release is being given and the name(s) of the person(s) to whom the records are being released

PARENTAL CONSENT FOR RELEASE OF RECORDS

Parents should be notified every time school records are turned over to a court by a judicial order. They also should be advised on the location and names of the person(s) responsible for maintaining the records. The school system should advise parents of the Family Educational Rights and Privacy Act at least once a year.

RIGHT TO A HEARING

If any of the above requirements are not complied with, or if the school refuses to delete from your child's record something you feel is damaging or unfair, you can request a hearing.

Your right to inspect your child's records should not be taken lightly. Should errors or unfounded damaging statements or reports be included in his or her file, there is a very real possibility these records could be used to deny entrance into college or work.

## I THINK MY CHILD'S SCHOOL IS UNSAFE. WHAT CAN I DO?

SCHOOL HAZARDS

If you feel your child's health or welfare is in serious danger because of a hazard existing in the school, you have the right to withdraw your child until the hazard is eliminated. A serious hazard could include a building that is:

- Structurally unsafe or in danger of collapsing
- Without appropriate heat in extremely cold climates
- Lacking sufficient fire exits

SCHOOL HAZARDS (continued)

It is recommended, however, that if you feel there are circumstances which present a health or welfare hazard to the students in your child's school, you should immediately notify the school administration in writing. Sometimes problems are overlooked simply because school administrators and staff are busily involved in their other work. You can help school administrators by bringing these issues to their attention.

## WHAT DO I DO IF MY CHILD IS MENTALLY OR PHYSICALLY HANDICAPPED AND I CAN'T AFFORD A SPECIAL SCHOOL?

EDUCATION FOR ALL HANDICAPPED CHILDREN ACT

Parents of mentally or physically handicapped children have the right to insist their children receive a free education. If you are the parent of a child who is too handicapped to attend a regular school, the school system has the duty to provide "special education" suited to your child's needs. In fact, the Education for All Handicapped Children Act requires that students with a handicap be educated in the "most integrated setting" appropriate and the school provide each student with an individual education program.

EXCEPTIONAL STUDENTS

Schools also are required to search for students with a handicap, rather than waiting for students to identify themselves to the school. Handicapped or "exceptional" students who have been properly identified and evaluated as being hearing or speech impaired, visually or othopedically handicapped, emotionally disturbed, in need of special education, or who have specific learning disabilities, are considered handicapped and are eligible for assistance.

PARENT RIGHTS

As a parent, you have the right to participate in the evaluation, placement and educational programming of your handicapped or "exceptional" child. If you feel your child should not be in a "special education" class or program, you have the right to see that due process--or a fair hearing--is given before your child's placement in such a program.

## WHAT IS SEX DISCRIMINATION AND HOW DOES IT AFFECT MY CHILD?

**EQUAL TREATMENT FOR GIRLS AND BOYS**

Title IX guarantees females and males equal treatment under the law in:

- o School admissions
- o Entrance to courses (including physical education and vocational education)
- o Student rules and regulations
- o Student services and benefits
- o Financial aid
- o Policies relating to marital and parental status
- o Counseling and guidance
- o Athletics and competitive sports

In other words, both girls and boys must have equal access to all aids, benefits and services provided by your child's school, and rules for conduct and appearance must be the same for female and male students.

## TELL ME MORE ABOUT PARENTAL INVOLVEMENT IN BILINGUAL EDUCATION

**PARENT AND COMMUNITY PARTICIPATION**

If you are the parent of a child with limited English speaking ability, you have the right to insist your child be provided with a program that meets his or her educational needs. If your child's school district establishes a bilingual program funded by the Bilingual Education Act (Title VII), parents and the community have the right to be informed of the instructional goals of the program and the progress of their children.

**ADVISORY COUNCIL**

A school district applying for bilingual program funding must establish an advisory council before preparing the application for assistance. The council should consist of at least seven persons, a majority of whom should be parents and other representatives of children of limited English proficiency. The school district must also describe as part of its application for funding

ADVISORY COUNCIL (continued)

the process used to select the council members and must document how the council participated in the preparation of the application.

The advisory council is responsible for:

- o Participating in planning the proposed project
- o Reviewing drafts of the application for assistance
- o Preparing comments on the content of the applications

ADVISORY COMMITTEE

If a school or school district receives funding for a bilingual education program, it must establish an advisory committee to ensure continuing consultation with and participation by parents and the community. The advisory committee members should be selected by the parents of the children of limited English proficiency who are participating in the program. The committee may also include parents of other participants in the proposed program, teachers and other interested individuals.

In bilingual programs carried out in secondary schools (high schools), the committee also should include students participating in the program who are selected by the student participants themselves.

## I THINK MY CHILD HAS BEEN DISCRIMINATED AGAINST. WHAT CAN I DO?

OFFICE FOR CIVIL RIGHTS

If you think your child has been discriminated against, you may file a complaint with the Department of Health, Education and Welfare, Office for Civil Rights. The Office for Civil Rights (OCR) is charged with the responsibility of ensuring that schools and educational programs receiving federal funds do not discriminate on the basis of race, color, sex or national origin.

HOW TO FILE A COMPLAINT

To file a complaint with OCR, you do not have to prove that discrimination has or has not taken place. The complaint only has to state that you feel discrimination has occurred.

**HOW TO FILE A COMPLAINT (continued)**

The process you must follow to file a complaint is fairly easy. A letter with the following information is all that initially is required:

- Name and address of person filing the complaint
- Name and address of school or school district where the alleged discrimination is taking or took place
- Name(s) of the student(s) you feel have been discriminated against
- How the student(s) was discriminated against; for example, how the student was treated differently from the other students

You should explain what happened in as much detail as possible and the reason you think the student has been discriminated against. For example, you may feel the student has been discriminated against because of his or her race, sex, color, national origin (where the student or parents were born), or physical or mental handicap. Remember, you do not have to prove discrimination occurred.

**COSTS AND TIME INVOLVED**

Filing a complaint with OCR costs nothing. After you have filed a complaint, OCR is required to complete the investigation within 225 days. Remember, no student or parent can be punished or discriminated against because he or she files a complaint. Any adverse action taken against a parent or student who files a complaint should be immediately reported to OCR.

**WHERE TO FILE**

Complaints should be sent to:

Office for Civil Rights
Elementary/Secondary Education Branch
1321 Second Avenue
M/S 5508
Arcade Plaza Building
Seattle, Washington 98101

## IN CONCLUSION

**COMMUNICATION WITH SCHOOL STAFF**

You should keep in mind the best way to prevent and resolve problems is communicating directly with the teaching staff or school administration. In almost all cases, problems can be resolved at this point--with communication and respect for everyone's rights.